



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Atty. Docket: WILLNER=5  
WILLNER et al. ) Examiner: Nelson C. Yang  
Appln. No.: 09/889,936 ) Washington, D.C.  
Filed: July 25, 2001 ) January 5, 2005  
For: DETECTION OF SMALL MOLECULES )  
BY USE OF A... ) Confirmation No.: 4415

RESPONSE TO NOTICE TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

In response to the Notice to Comply dated December 10, 2004, attached hereto is a postcard receipt date stamped by the PTO indicating that a substitute drawing of Fig. 3A, sequence listing paper and CRF was submitted on November 19, 2001, to replace originally filed Fig. 3A and enter a new paper and CRF of the sequence listing. The substitute Fig. 3A was marked in red correcting the nucleotide at position 152 from "I" to "A". The new paper copy and CRF form of the sequence listing also reflected the change to Fig. 3A. Therefore, it is not necessary to correct the sequence listing or the drawings as the correction was made

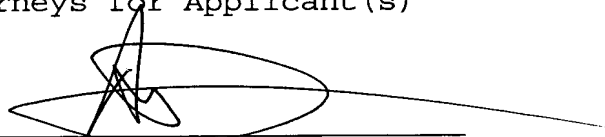
Appln. No. 09/889,936  
Amdt. dated January 5, 2005  
Reply to Notice to Comply of December 10, 2004

previously. The sequence listing is consistent with the corrected  
Fig. 3A submitted on November 19, 2001.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Allen C. Yun  
Registration No. 37,971

624 Ninth Street, N.W.  
Washington, D.C. 20001  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528

G:\BN\C\cohn\Willner5\PTO\response to notice to comply 12-10-04.doc

<b>Notice to Comply</b>	<b>Application No.</b> 09/889,936	<b>Applicant(s)</b> Willner et al	
	<b>Examiner</b> Nelson Yang	<b>Art Unit</b> 1641	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: CRF is flawed see the attached CRF problem report.

**Applicant Must Provide:**

- ☐ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

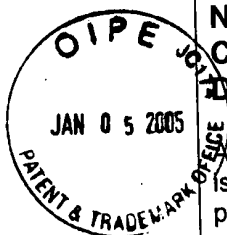
For CRF Submission Help, call (703) 308-4212

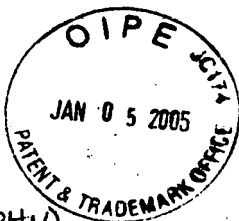
Patent Software Program Support

Technical Assistance.....703-287-0200

To Purchase Patent Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**





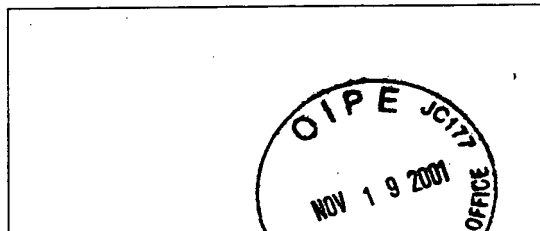
(COHN)

APPLICANT(S): WILLNER et al  
APPLICATION NO: 09/889,936

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

- ☐ FEES \$ \_\_\_\_\_  
☐ PTO FORM 2038 ☐ (CH. # \_\_\_\_\_)  
☐ EXTENSION OF TIME ( \_\_\_\_\_ MONTHS)  
☐ TRANSMITTAL LETTER  
☒ MISSING PARTS RESPONSE WITH DECL  
☐ AMENDMENT  
☐ PRELIMINARY ☐ SUPPLEMENTAL  
☒ REPLY TO OFFICE ACTION  
☐ RESTRICTION/ELECTION REPLY  
☒ SEQUENCE LISTING ☒ WITH DISK  
☐ RCE / CPA TRANSMITTAL (circle one)  
☐ NOTICE OF APPEAL  
☐ APPEAL BRIEF (TRIPLICATE)  
☐ REPLY BRIEF (TRIPLICATE)  
☒ OTHER COPY OF NOTICE TO COMPLY

DOCKET NO.: WILLNER-5  
CONF. NO: 4415



- ☐ ASSIGNMENT  
☐ INFORMATION DISCLOSURE STATEMENT  
☐ FORM 1449 & \_\_\_\_\_ PATENTS/PUBS  
☐ PRIORITY DOCUMENT(S) NO. \_\_\_\_\_  
☐ DECLARATION UNDER § \_\_\_\_\_  
☐ LETTER TO DRAFTSMAN  
☒ 1 SHEETS OF DRAWINGS Fig. 3A  
☐ ISSUE FEE TRANSMITTAL FORM  
☐ MAINTENANCE FEE LETTER

B&N-2

BEST AVAILABLE COPY